

ARTICLE 100
GENERAL REGULATIONS

101 **Affected Territory**

This ordinance shall apply to all territory within the corporate limits of the City of Asheboro and to such extraterritorial area as is shown on the map entitled "Boundaries of Extraterritorial Jurisdiction, City of Asheboro", said map bearing the date of May 7, 1987.

102 **Classes of Districts**

For the purpose of this Ordinance, the affected territory as described in Section 101 is divided into the following classes of districts:

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| R40 | Low Density Residential Districts |
| R15 | Low Density Single Family Residential Districts |
| R10 | Medium Density Residential Districts |
| R7.5 | Medium Density Residential Districts |
| RA6 | High Density Residential Districts |
| OA6 | Office-Apartment High Density Districts |
| O&I | Office and Institutional District |
| B1 | Neighborhood Commercial Districts |
| M | Mercantile Limited General Commercial District |
| B2 | General Commercial Districts |
| B3 | Central Commercial District |
| TH | Tourism-Hospitality District |
| I1 | Light Industrial Districts |
| I2 | General Industrial Districts |
| I3 | Limited Industrial Districts |
| CUR40 | Conditional Use Low Density Residential Districts |
| CUR15 | Conditional Use Low Density Single Family Residential Districts |
| CUR10 | Conditional Use Medium Density Residential Districts |
| CUR7.5 | Conditional Use Medium Density Residential Districts |
| CURA6 | Conditional Use High Density Residential Districts |
| CUOA6 | Conditional Use Office-Apartment High Density Districts |
| CUO&I | Conditional Use Office and Institutional Districts |
| CUB1 | Conditional Use Neighborhood Business Districts |
| CUM | Conditional Use Mercantile Districts |
| CUB2 | Conditional Use General Business Districts |

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| CUB3 | Conditional Use Central Business District |
| CUTH | Conditional Use Tourism-Hospitality Districts |
| CUI1 | Conditional Use Light Industrial Districts |
| CUI2 | Conditional Use General Industrial Districts |
| CUI3 | Conditional Use Limited Industrial Districts |

Each Conditional Use District corresponds to a related district in this Ordinance. Where certain types of zoning districts would be inappropriate under certain conditions, and the rezoning applicant desires rezoning to such a district, the CU District is a means by which special conditions can be imposed in the furtherance of the purpose of this Ordinance.

The CU District classification will be considered only upon written request of the rezoning applicant. If for any reason any condition imposed pursuant to this section is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CU District, only those uses specifically permitted in the zoning district to which the CU District corresponds (i.e., R15 and CUR15) shall be permitted, and all other requirements of the corresponding district shall be met. It is the intent of this ordinance that all requirements within a CU District be equal to or more stringent than those in a corresponding non- CU District.

In addition, within a CU District no use shall be submitted except as pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units or Floor Area Ratio, the location and extent of supporting facilities including but not limited to parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a Conditional Use Permit, the Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit in any CU District for any use which is permitted only as a Special Use in the zoning district which corresponds to the CU District shall preclude any requirement for obtaining a Special Use Permit for any such use from the City Council.

103 Boundaries of Districts

The boundaries of each zoning district are hereby established as shown on the map entitled "Official Zoning Map of Asheboro and Vicinity", and as amended, which accompanies and is hereby declared to be a part of this Ordinance. Where uncertainty exists as to the boundaries of any district shown on said map, the following rules shall apply:

103.1 Where such district boundaries are indicated as approximately following street or highway center lines, such center lines shall be construed to be such boundaries.

103.2 Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

103.3 Where a district boundary appears to divide a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the map. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions, not lot or tract size.

103.4 In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to the location of district boundaries.

103.5 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Planning Director shall be

the final authority as to the current zoning status of land, buildings, or other structures in the affected territory as described in Section 101, above.

104 Zoning Affects Every Building and Use

No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, except in compliance with all the regulations established by this Ordinance for the district in which the building or land is located.

105 Open Space Not to Be Encroached Upon

The minimum yards or other spaces or off-street parking or loading space required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements for any other building.

106 Every Lot Must Abut A Street

No building, structure or use of land other than for agricultural purposes or for a cemetery, shall be established on a lot that does not abut and have direct access to a dedicated public street (9/02). For purposes of this section, the term “cemetery” shall be construed in a broad manner that comports with North Carolina General Statutes.

107 One Principal Building Per Lot

Not more than one principal building shall be constructed on any R40, R15, R10, and R-7.5 lot.

108 Required Open Space May Not Be Used By Another Building

No part of any yard, open space, off-street parking or loading space required in connection with any building, structure or use by this Ordinance shall be considered to be part of a required yard, open space, off-street parking or loading space for any other buildings, structure or use, except as provided in Section 405 for joint use of off-street parking spaces.

109 Locations of Building Lines on Irregularly Shaped Lots

Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Planning Director of the City of Asheboro. Such determinations shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots.

110 Mixed Uses

When two or more uses occupy the same building, the greatest yard and buffering and screening requirements applicable to any such uses in the district in which the lot is located shall apply to such buildings. Off-street parking and loading requirements shall be met in full for all uses in such buildings.

111 Fractional Requirements Under This Ordinance

When any requirement of this Ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded.

112 Nonconformances May Continue

Except as restricted in Section 106 above, single-family dwellings may be built on any lot which was recorded prior to the enactment of this Ordinance even though it may not meet the lot width and area requirements established by this ordinance. Any lot or structure being used lawfully before this Ordinance was enacted may continue to be used in the same manner after the date of adoption of this Ordinance even though such use is not now permitted under the terms of this Ordinance except specific uses where amortization or compliance is required. More specific regulations concerning nonconformances are given in Article 800 of this Ordinance.

113 Location of Building Line Where the Street Line Is Unknown

Where there is uncertainty as to the location of a street line, the Board of Adjustment shall determine such line for the purposes of this Ordinance and all measurement of yards,

areas, etc., which depend upon the location of a street line shall thenceforth be based on such determination, provided that any street width determined hereunder shall be uniform for the entire length of the portion of the street about which uncertainty exists.

114 Flood Zones Designated and Purpose Defined

The flood zones, as defined in Article 700 of this Ordinance, are designed and intended to overlay and combine with the existing zoning districts but do not affect the district boundaries in any way.

115 Parcels Not Having Sanitary Sewer or Water Service

When any parcel of land is to be developed and will not be converted to the City of Asheboro's sanitary sewerage or water system in the near future, it shall comply with the Regulations governing the design, installation, clearing, and use of sewerage disposal systems in Randolph County.

116 U. S. 220 Bypass Zone Designated and Purpose Defined

The U. S. 220 bypass zone, as defined in Article 300A of this Ordinance, is designed and intended to overlay and combine with the existing zoning districts but do not affect the district boundaries in any way. The purpose of this zone is to establish a site plan review procedure to ensure that a high standard of development is achieved along U. S. 220 Bypass.

117 Location of Building Line on Major & Minor Thoroughfares

Building setback requirements for structures located along any major or minor thoroughfare shall be measured from the ultimate right-of-way as shown in the adopted Thoroughfare Plan. The area of a lot outside of existing right-of-way yet located within the ultimate right-of-way may be used in calculations that require area determinations. All other streets shall utilize existing right-of-way lines for measurement of setback and yard requirements.

118 Prohibition of Use of Residentially Zoned Property for Access to Uses Not Permitted In Residential Districts

No private land which is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in residential districts, except as provided below or otherwise authorized by this Ordinance or other lawful regulations:

- A. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Board of Adjustment, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
- B. Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Board of Adjustment across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.